

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BILLY R. WILLIAMS,	}	
	}	
Plaintiff,	}	
	}	Civil Action No. 03-239 Erie
v.	}	
	}	Judge Cohill
PENNSYLVANIA STATE POLICE, AN	}	
AGENCY OF THE COMMONWEALTH	}	
OF PENNSYLVANIA,	}	
	}	
Defendant.	}	

**MOTION FOR
CONTINUANCE OF TRIAL DATE**

AND NOW, comes the Defendant, the Pennsylvania State Police, by its attorneys, Thomas W. Corbett, Jr., Attorney General, Scott A. Bradley, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and moves for a continuance of the trial date previously scheduled in the above captioned case:

1. This is an employment discrimination action brought pursuant to Title VII where Plaintiff has alleged that he was subjected to a hostile work environment and disparate treatment based on his race.

2. At a pretrial conference convened by the Court on August 7, 2007, the case was listed for trial, with the final pretrial conference and jury selection scheduled for 1:30 o'clock p.m. on Tuesday, October 9, 2007.

3. In the course of contacting witnesses for the defense of this case, undersigned counsel was informed that Sidney Simon is not available for the scheduled trial date because of a previously scheduled work commitment. Mr. Simon is currently the Security Manager for the Hershey Company; he is scheduled to attend a national conference on corporate security in New

Orleans the week this case has been set for trial. All expenses associated with this conference have been prepaid.

4. When previously employed by the Pennsylvania State Police, Mr. Simon was the Plaintiff's direct supervisor during critical portions of the times Plaintiff is claiming he was subjected to a hostile work environment and disparate treatment by the Pennsylvania State Police. Therefore, he is a critical witness for the defense, and the defense would be prejudiced if he were not available to testify.

5. Plaintiff's counsel has indicated that Plaintiff does not consent to this request for continuance.

6. It appears that defense counsel and all necessary defense witnesses will be available during this Court's next scheduled trial term.

7. Accordingly, undersigned counsel requests a continuance of the trial date in this case until the Court's next scheduled trial term, or otherwise at the Court's convenience.

WHEREFORE, the Defendant respectfully requests a continuance of the trial date previously scheduled in this matter until the Court's next scheduled trial term, or otherwise at the Court's convenience.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Phone: (412) 565-3586
Fax: (412) 565-3019

Date: August 21, 2007

s/ Scott A. Bradley
Scott A. Bradley
Senior Deputy Attorney General
Attorney I.D. No. 44627

Susan J. Forney
Chief Deputy Attorney General